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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/996,514

11/28/2001

John Klein

A34617

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21003

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06/16/2006

BAKER & BOTTS

30 ROCKEFELLER PLAZA

44TH FLOOR

NEW YORK, NY 10112

EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,514

Applicant(s)

KLEIN ET AL.

Examiner

Tu X Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,-12-13 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,7,10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 5/11/06, with respect to claims 1, 6 and 8, have been considered but are not persuasive.

In response to Applicant argument, "in particular, Wright does not describe or suggest: transmitting from an access point to said mobile unit beacon signals that also include data representing transmitter power level of said access point or receiving at said mobile unit said access point transmitter power level data. Further in Wright, the GDL unit on board the aircraft responds to this beacon signal by adjusting its emitted power to a level that will not exceed communication limitations imposed by the jurisdiction governing the airport". The Examiner respectfully disagrees. Wright discloses "a wireless router 201 continuously broadcasts an interrogation beacon that contains information representative of the emitted power level restrictions of the airport." reads on "transmitting from an access point to said mobile unit beacon signals that also include data representing transmitter power level of said access point". Applicant concluded that Wright teaches "emitted power to a level that will not exceed communication limitation imposed by the jurisdiction governing the airport"; Thus, "Wright is not concerned about the transmitter power level of the wireless themselves". The Examiner respectfully disagrees. Under a circumstance that one skill of the art may suggests that both router and the GDL unit are in power transmission control restricted under jurisdiction govern of the airport. And further evident the GDL unit obeys the router's instruction, Wright discloses "the GDL unit on board the aircraft responds to this beacon signal by adjusting its emitted power". There are other scenarios that Applicants suggest that the router requests the GDL

unit to transmit power which higher than the airport restriction and therefore the GDL unit does not concerned about the transmitter power level of itself or the GDL unit will not adjust the transmission power because the power level exceeding the jurisdiction governing of the airport. However, the Examiner does not rely on Wright's other features.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,5-6, 8-9 and 12, are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (US Pub. 2002/0018008).

Regarding claim 1, Wright et al. disclose a wireless local area network (see par.011) wherein mobile units receive beacon signals from access points and associate with access points for data communications therewith, a method for controlling transmitter power level of a mobile unit, comprising:

transmitting from an access point to said mobile unit beacon signals that also include data representing transmitter power level for said access point (see par.055);

receiving at said mobile unit said access point transmitter power level data; and adjusting transmitter power level of said mobile unit in accordance with the value of said access point transmitter power level data (see par.055).

Regarding claim 2, Wright et al. disclose adjusting power level of said mobile unit comprises setting said mobile unit to a power level corresponding to said access point transmitter power level data (see par.055).

Regarding claims 5 and 12, Wright et al. disclose adjusting power level of said mobile unit is performed when said mobile unit associates with an access point (see par.055).

Regarding claim 6, Wright et al. disclose a receiver for receiving data signals including beacon signals from said access points (see par.054) transmitting at different transmitter power levels (see par.086), comprising:

a transmitter responsive to access point transmitter power level signals to transmit at a selected transmitter power level corresponding to said access point power level signals (see par.055); and

a processor (see 22, fig.3), coupled to process data signals from said receiver and programmed to derive access point power level data included in said beacon signals received from said access points and to provide corresponding transmitter power level signals to said transmitter (see par.055).

Regarding claim 8, Wright et al. disclose a method for controlling interference in a wireless local area network having access points and mobile units (see par.059), comprising:

providing including access points with adjustable transmitter power level and distributing said access points over an area with varying spacing between access points (see 201, 212, fig.4),

adjusting the transmitter power of said adjustable transmitter power level access points according to said access point spacing, wherein access points with greater spacing have greater transmitter power (see par.085);

providing access points power level data representing transmitter power of said adjustable power level access points, and transmitting said access points power level data from each of said adjustable power level access points (see par.055);

providing mobile units having transmitters responsive to power level data representing transmitter power of said adjustable power level access points for adjusting transmitter power of said mobile units (see par.055);

receiving said access points power level data at said mobile units and providing power level signal corresponding thereto to said mobile unit transmitters wherein said access points transmit beacon signals for use by mobile units to associate with one of said access points, and wherein said access point power level data is transmitted within said beacon signals (see par.055).

Regarding claim 9, wright et al. disclose said power level data signals represent the same power level as said power level data (see par.055).

Allowable Subject Matter

4. Claims 3, 7, 10 and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2618

Regarding claims 3, 7, 10 and 13, the prior arts fail to teach "adjusting power level of said mobile unit comprises setting said mobile unit to a power level a selected amount greater than a power level corresponding to said access point transmitter power level data", as cited in the claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

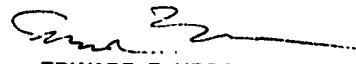
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN
June 6, 2006


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